

**Town of Sunset Beach  
Monthly Council  
Work Session & Regular Meeting  
December 1, 2014**

**MINUTES**

**Members Present:** Mayor Ron Watts, Mayor Pro-Tem Lou DeVita, Councilman Terry Johnson, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams

**Members absent:** None

**Attorney & Staff Present:** Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; Dustin Graham, Public Works Director; Richard Childres, Assistant Fire Chief; Joe Smith, Detective; and Lisa Anglin, Town Clerk

**Work Session  
6:45 pm**

Mayor Watts called the Work Session to order, called for agenda amendments, and general discussions by the Council.

**Agenda Amendments**

The Council agreed to move New Business Agenda Item 9a to before the Closed Session but after the recess in order for the Attorney to be present.

**Council Discussion**

**GSATS**

Mayor Pro-Tem DeVita advised that a Code of Ethics webinar is scheduled for Tuesday, December 2, 2014 at 10:00 am. Councilman Williams is attending the webinar.

**Annual Planning Session**

Mayor Watts advised that in preparation for the Annual Planning (Retreat) Session, Council submit agenda items to Parker so the draft agenda can be reviewed during the December 11, 2014 Work Session.

**NCDOT Bicycle and Pedestrian Planning Grant Application**

Mayor Pro-Tem DeVita advised that he is completing the NCDOT Bicycle and Pedestrian Planning Grant Funding Application to submit by December 4, 2014. Councilwoman Scott requested to view the application before it is submitted. Mayor Pro-Tem DeVita advised this is the same grant application as submitted last year but with Staff name changes. If chosen, the grant funds will assist the Planning Board with compiling the completed bike and pedestrian plan sections and the proposed sections into one plan.

**Brunswick County Commissioner Phil Norris**

Mayor Watts advised that Brunswick County Commissioner Phil Norris who represented this district for 16 years will be attending his final meeting in December.

### **Committee Reports:**

#### **ABC Store – Councilman Wilson Sherrill**

Councilman Sherrill advised that ABC Store is doing well and the new Board member attended the December meeting. Councilman Sherrill advised that one application was received for the vacancy created when the Board was increased and the interview is upcoming. The applicant will be considered for appointment by the Council in January.

#### **Beautification Committee – Mayor Pro-Tem Lou DeVita**

Mayor Pro-Tem DeVita advised that the Beautification Committee met and discussed the new purchasing procedures instituted by Parker. Mayor Pro-Tem DeVita advised that the committee is busy decorating the Town for the holiday season.

#### **Brunswick Beaches Consortium – Councilman Wilson Sherrill**

Councilman Sherrill advised that the next meeting will be December 11, 2014 at Ocean Isle Beach. The Town's involved have decided to continue the efforts established by the group to work with local, state and federal agencies to monitor and assist with coastal improvements.

#### **Cape Fear Council of Governments – Mayor Ron Watts**

Mayor Watts advised that he has attended several seminars held by the Cape Fear Council of Governments with the latest being police and fire department staffing.

#### **Grand Strand Area Transportation Study – Councilman Mike Williams**

Councilman Williams advised that the participants are working through the code of ethics training and reporting. The Town is preparing to apply for the bike and pedestrian grants.

#### **Planning Board – Councilwoman Carol Scott**

Councilwoman Scott advised that the Planning Board is working on the conversion of the Vision Plan into an overlay district for the Sunset Blvd. corridor, reviewing the landscaping ordinances as requested by Council and a noise ordinance. Councilwoman Scott advised that the Planning Board and Board of Adjustment have recently attended training sessions.

#### **South Brunswick Business Development Committee – Mayor Ron Watts**

Mayor Watts advised that the Committee is re-forming under the Chamber of Commerce umbrella.

#### **South Brunswick Neighboring Towns & Mayors – Mayor Ron Watts**

Mayor Watts advised that the recent topics covered included the structure of the Brunswick Beaches Consortium and the pending property value re-evaluation that will be finalized in January, 2015.

#### **Sunset at Sunset Committee – Councilman Mike Williams**

Councilman Williams advised that the Committee hosted a luncheon for the Town staff, which is paid for by the Committee members, in appreciation for their assistance with the event.

#### **Sunset Beach Business & Merchants Association – Councilman Terry Johnson**

Councilman Johnson advised that the Merchants Association met on November 20<sup>th</sup> with approximately 20 merchants attending. The group discussed methods to increase revenues for the merchants such as a reloadable gift card that can only be used at participating merchants. The Association dues will remain the same as last year but the group plans to increase the overall budget by soliciting non-member merchants. The group is considering hiring a part-time administrative assistant and opening a welcome center facility in the area. An up-to-date financial statement was provided. The next meeting will be January 21, 2015 at 4:00 pm.

**Monthly Meeting**  
**7:00 pm**

**Call to Order & Pledge of Allegiance**

Mayor Watts called the meeting to order and the Pledge of Allegiance was recited.

**Approval of the Draft Agenda**

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Presentation of 2013/2014 Auditor's Report**

Greg Adams, Thompson, Price, Scott, Adams & Co. PA, reviewed the 2013/2014 Audit Report with the Council. Mr. Adams advised that the net position at the beginning of the year was \$8,588,037, total revenue collected was \$5,496,740 and total expenditures for the year were \$5,802,374 resulting in a net change of \$1,454,664 with a net position at the end of the year totaling \$7,133,373. The majority of the transfers (\$1,149,030) for the year are comprised of the Streetscape and Town Park projects. The Ad Valorem Tax Collection including motor vehicles was 97.58% and is higher than the statewide average for Towns of comparable size of 96.93%. Councilwoman Scott questioned the \$11,259 expenditure in the Beach Erosion Fund; Schwerd will research and advise. Councilwoman Scott questioned the Sunset at Sunset Festival Fund net change as the festival is to be self-supported; Schwerd will research and advise.

**Presentation of Certificates of Appreciation for Volunteers**

Mayor Watts present the following volunteers with Certificates of Appreciation:

- Carmel Zetts, Coordinator of the Turtle Program
- Bill Ducker, Bird Island Preservation Society
- Beautification Committee Members:
  - Lynn Eriquez
  - Katie Bodner
  - Jean Hutchinson
- Summer Concert Series Committee Members:
  - Fred Thorne
  - Denise Williams
  - Anita August
  - Janie Withers
- Sunset at Sunset Committee Members:
  - Lois McClellan
  - Marci Berry
  - Karen Dombrowski
  - Jean Hutchinson
  - Ann Bokelman
  - Carmen Daughtry
  - Bev Williams
  - Karen Joseph

**Public Comments on Agenda Items Only – Comments are limited to three (3) minutes per speaker**

Rich Cerrato 517 Twisted Oak Lane – Commented about Jaguar’s Lair and the developer; suggested Council call the bonds to get the development finished and advised that Attorney Isenberg has stated repeatedly that the bond interest would be used to offset legal fees; questioned the audit report for the Sunset at Sunset transfer.

Katie Hovermale 1419 Bay Street – Suggested the Council consider postponing or abandoning phase 2 of the park so the site could be opened and used by the residents.

Karen Joseph 915 Sandpiper Bay Drive – Advised that Attorney Isenberg had stated that the bond interest might pay the legal expenses but was not guaranteed; advised that the Sunset at Sunset Event is self-supported.

**Town Administrator Report**

Recycling – Parker advised that residents are continuing to sign up for the recycling program.

Planning Director Interviews – Parker advised that she is conducting interviews for the Planning Director in mid-December.

Bike and Pedestrian Path – Parker advised that she has met with the Coastal Outfitters Project Manager concerning partnering with the Town to construct a sidewalk from the roundabout to Station Trail and is awaiting a response from the owner.

Streetscape Plantings – Parker advised that the landscaper will be replacing some of the plantings in the streetscape area.

Town Park – Parker advised that she plans to provide the Council with some alternatives after the Closed Session.

Jaguar’s Lair – Parker advised that Council is meeting with legal counsel concerning Jaguar’s Lair.

**Departmental Reports**

Police – Report on file.

**Public Works:**

Mary’s Creek Sidewalk Handrail – Dustin Graham advised that the handrail at Mary’s Creek has been installed.

2<sup>nd</sup> Street Repair – Graham advised that a depression has been discovered on the 2<sup>nd</sup> Street. Brunswick County Public Utilities has been contacted and the Public Works department will be investigating to determine the cause.

Gazebo Restrooms – Graham advised that the restrooms are being removed from the gazebo parking lot for routine repairs and maintenance.

Roundabout – Graham advised that electric and irrigation have been installed and NCDOT will be landscaping the area in the coming weeks.

## **Departmental Reports (Cont.)**

### **Public Works (Cont.)**

Gazebo Emergency Access – Graham advised that a gate at the emergency access has been installed.

Building Inspections – Parker advised that a Technical Review Committee meeting for the preliminary plans of the Sunset Beach West development is being scheduled. Staff will advise as soon as the date is confirmed.

Fire Department – Report on file.

Finance Department – Schwerd reviewed the financial snapshot with the Council.

### **Old Business**

#### **Jaguar's Lair Town Negotiating Team – Councilman Wilson Sherrill**

Councilman Sherrill advised that Council will be meeting with legal counsel concerning Jaguar's Lair tomorrow at 1:00 pm.

#### **Planning Project Updates:**

##### **Phase 2 of Park – Mayor Pro-Tem DeVita, Councilman Johnson**

Mayor Pro-Tem DeVita advised that Phase 2 of the park will be addressed once Council determines the outcome of the Phase 1 issues.

##### **Main Street Planning – Mayor Pro-Tem DeVita, Councilwoman Scott**

Mayor Pro-Tem DeVita advised that a representative from Lanier Parking Solutions will attend the December 11, 2014 Council Work Session to discuss the proposal of paid parking in the gazebo and streetscape parking areas. Also, Council will consider during this meeting amendments to the Parking Regulations.

##### **Vision Plan with Planning Board – Councilwoman Scott, Councilwoman Williams**

Councilwoman Scott advised that the Planning Board is working on a conversion of the Vision Plan into an overlay district for the Sunset Blvd. corridor.

##### **Bike Plan - Councilman Sherrill, Councilwoman Scott, Mayor Watts**

Councilman Sherrill advised the Council is preparing a planning grant application to submit to NCDOT for funding.

##### **Public Works Future Space Plan – Councilman Williams, Councilman Sherrill**

Councilman Williams advised that a meeting with Graham has been held to discuss the Public Works Department space needs and will be an agenda item during the Annual Planning (Retreat) Session in February 2015.

##### **Canal Tax District – Councilman Johnson, Councilwoman Scott, Mayor Watts**

Councilman Johnson advised that Mayor Watts and Councilwoman Scott have provided background and historical information concerning dredging of the finger canals in the past. Councilman Johnson advised that NC General Assembly has given the Town the authority to establish a dredging and maintenance fee which will be assess to all affected property owners. Parker advised that Staff has consulted with CAMA and a local surveyor concerning the process and received quotes for the pre-work including permitting that must be completed first. This item will be discussed during the Annual Planning (Retreat) Session for funding consideration in the next budget cycle.

## **Old Business (Cont.)**

### **Planning Project Updates (Cont.)**

#### **Birdwalk Benches/Dedication Plaques – Councilman Williams**

Councilman Williams advised that Graham evaluated the Birdwalk to ensure that it can accommodate benches and remain in ADA compliance and it can. The Council briefly discussed the practice of donating benches in honor or memory of a loved one and agreed that a policy is needed to explain the procedure for placing benches on municipal property including where they will be placed and for how long. Council directed Staff to obtain quotes and Parker will draft a policy for Council consideration.

## **New Business**

### **Consideration of Adoption of an Ordinance Amending Chapter 72 Parking Regulations**

Council reviewed the proposed amendments and discussed the parking on private parking ordinances. Council will seek legal advice concerning how to assist vacant lot property owners that are non-residents who do not want vehicles parking on their lots.

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENTS FOR CHAPTER 72 PARKING REGULATIONS AS AMENDED TO INCLUDE THE CIVIL PENALTY FOR FIRE LANE VIOLATIONS. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Consideration of Appointment of the Fireman's Relief Fund Board Member**

Mayor Pro-Tem DeVita advised that he interviewed Mrs. Pearce who is seeking re-appointment to the Fireman's Relief Fund Board and was the only application received.

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPOINT LORI PEARCE TO THE FIREMAN'S RELIEF FUND BOARD. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Consideration of Adoption of the Revised Rules for the Public Comment Periods**

The Council reviewed the revised rules for the public comment periods provided by Mayor Watts. Mayor Watts advised that the revisions would serve as the media policy for filming the Council meetings. Councilwoman Scott requested the rules be amended to delete the last two sentences in #3. The majority of the Council agreed that citizens that pose questions to the Council during a public comment period should be directed to Staff.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE REVISED RULES FOR THE PUBLIC COMMENT PERIODS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILMAN SHERRILL, MAYOR PRO-TEM DEVITA AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT AND COUNCILMAN JOHNSON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

### **Consideration of Approval of a Resolution to Apply for a NCDOT Bicycle/Pedestrian Grant**

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE RESOLUTION TO APPLY FOR A NC DOT BICYCLE AND PEDESTRIAN PLANNING GRANT. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **New Business (Cont.)**

#### **Consideration to Participate in the Development of a Regional Hazard Mitigation Plan for Brunswick, New Hanover and Pender Counties**

Richard Childres, Assistant Fire Chief, advised Council that this is a collective effort of the three (3) counties and their municipalities to develop a regional plan. Each area will have representation during the process.

MAYOR PRO-TEM DEVITA MADE A MOTION TO PARTICIPATE IN THE DEVELOPMENT OF A REGIONAL HAZARD MITIGATION PLAN FOR BRUNSWICK, NEW HANOVER AND PENDER COUNTIES. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Public Comments**

Rich Cerrato 517 Twisted Oak Lane – Congratulated Susan Parker for her first year of service to the Town; advised that the financial audit shows that the Town is in financial crisis and encouraged the Council to reduce expenses.

### **Recess Meeting Until Tuesday, December 2, 2014 at 1:00 pm in the Town Hall Conference Room**

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECESS THE MEETING UNTIL TUESDAY, DECEMBER 2, 2014 AT 1:00 PM. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Recessed Regular Meeting from December 1, 2014**

### **Reconvened on December 2, 2014**

### **MINUTES**

**Members Present:** Mayor Ron Watts, Mayor Pro-Tem Lou DeVita, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams

**Members absent:** Councilman Terry Johnson (arrived at 1:30 pm)

**Attorney & Staff Present:** Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; and Lisa Anglin, Town Clerk

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE THE DECEMBER 1, 2014 MEETING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

### **Consideration to Retain Town Attorney**

Susan Parker advised that a Request for Proposals for a Town Attorney was solicited and three (3) Attorneys responded. Council has reviewed materials provided by each and phone interviews were conducted by Parker. Parker recommended Attorney Grady Richardson for Council consideration as the Town Attorney. The Council requested Attorney Richardson to revisit his rate structure to consider a monthly retainer fee + litigation cost, by project cost basis or a yearly fixed price including litigation for Council consideration during the December 11, 2014 Work Session.

### **Closed Session**

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE CONCERNING THE TOWN PARK, PALM COVE AND JAGUAR'S LAIR. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECONVENE THE DECEMBER 1, 2014 REGULAR MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Town Park**

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE PURSUIT OF THE CONTRACTUAL RIGHTS AGAINST WITHERS AND RAVENEL. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Palm Cove and Jaguar's Lair**

Susan Parker advised that Attorney Richardson gave Council legal advice and information regarding legal status concerning Palm Cove and Jaguar's Lair.

### **Adjournment**

COUNCILMAN WILLIAMS MADE A MOTION TO ADJOURN THE DECEMBER 1, 2014 COUNCIL MEETING. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

*Ron Watts, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The December 1, 2014 Meeting Minutes were approved by Council during the January 5, 2015 meeting.